

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stanislav Sazonov	Team: Team # 4	CCRB Case #: 201201892	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 02/13/2012 5:30 AM	Location of Incident: § 87(2)(b)	Precinct: 77	18 Mo. SOL 8/13/2013	EO SOL 8/13/2013	
Date/Time CV Reported Mon, 02/13/2012 9:00 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Mon, 02/13/2012 9:00 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Rohan Griffith	03557	940218	077 PCT
2. POM Kenneth Avila	30710	926527	077 PCT
3. An officer			077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Deidre Defreitas	29055	939521	077 PCT
2. POF Koren Stewart	04471	947518	077 PCT
3. POM Stanley Reed	10365	918204	077 PCT
4. POM Keicho Phillips	31620	933175	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Rohan Griffith	Abuse: Sgt. Rohan Griffith threatened to damage § 87(2)(b)'s property.	
B. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
C.SGT Rohan Griffith	Abuse: Sgt. Rohan Griffith authorized the stop of § 87(2)(b) and § 87(2)(b)	
D.POM Kenneth Avila	Force: PO Kenneth Avila used physical force against § 87(2)(b)	
E.POM Kenneth Avila	Discourtesy: PO Kenneth Avila spoke discourteously to § 87(2)(b)	

Case Summary

On February 13, 2012, § 87(2)(b) filed this complaint at the 77th Precinct stationhouse in-person (encl. 3a-3b). This complaint was forwarded to and received by the Civilian Complaint Review Board (CCRB) on the same day (encl. 3d-3e). On February 13, 2012, Sgt. Alex Vahldieck of the 77th Precinct called the NYPD Internal Affairs Bureau (IAB) to report the incident on behalf of § 87(2)(b) generating log number 12-09216 (encl. 3c).

On February 13, 2012, at approximately 5:30 a.m., PO Stanley Reed, PO Keicho Phillips, PO Deidre Defreitas, PO Koren Stewart, PO Kenneth Avila and Sgt. Rohan Griffith assigned to the 77th Precinct responded to a report of possible child abuse at § 87(2)(b) in Brooklyn. The following allegations resulted:

- **Allegation A – Abuse of Authority:** Sgt. Rohan Griffith threatened to damage § 87(2)(b) property.
§ 87(2)(g)
- **Allegation B – Discourtesy:** An officer spoke discourteously to § 87(2)(b).
§ 87(2)(g)
- **Allegation C – Abuse of Authority:** Sgt. Rohan Griffith authorized the stop of § 87(2)(b) and § 87(2)(b).
§ 87(2)(g)
- **Allegation D – Force:** PO Kenneth Avila used physical force against § 87(2)(b).
§ 87(2)(g)
- **Allegation E – Discourtesy:** PO Kenneth Avila spoke discourteously to § 87(2)(b).
§ 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black female.

77th Precinct Statement

§ 87(2)(b) filed her complaint in writing at the 77th Precinct stationhouse (encl. 3a-3b). In the details section of the complaint report she wrote that she was struck by a male officer, identified through CCRB investigation as PO Kenneth Avila of the 77th Precinct, who was accompanied by PO Koren Stewart. She described PO Avila as being Filipino or Asian. PO Stewart blocked § 87(2)(b) exit as PO Avila ran to his vehicle after striking § 87(2)(b).

§ 87(2)(b) She complained of a lump to the head and a cut to the right side of her face as a result of being struck. Sgt. Vahldieck in the additional comments section noted a small laceration to the right temple of § 87(2)(b) head.

IAB Statement

On February 13, 2012, Sgt. Alex Vahldieck of the 77th Precinct called IAB and reported that police officers, identified through the CCRB investigation as PO Stanley Reed, PO Keicho Phillips, PO Deidre Defreitas, PO Koren Stewart, PO Kenneth Avila and Sgt. Rohan Griffith, responded to a radio run for alleged child abuse. § 87(2)(b) stated that she was yelling and there was a big commotion in the apartment. § 87(2)(b) said that as a Filipino male officer, identified by the CCRB as PO Avila, was leaving the apartment he slapped her in the face, causing a minor laceration on the right temple area (encl. 3c).

Notice of Claim

In her Notice of Claim, § 87(2)(b) stated that she was struck so hard that that she fell onto a bench in the hallway and the impact was so strong that the bench broke. When § 87(2)(b) stood up, she noticed that she was bleeding from the right side of her face and had lumps on her head. She went to § 87(2)(b) and was diagnosed with concussion and other injuries (encl. 21a-21h).

CCRB Telephone Statement

§ 87(2)(b) provided a telephone statement on February 16, 2012 (encl. 4a). On February 13, 2012, at approximately 5:30 a.m., § 87(2)(b) who resides at § 87(2)(b) in Brooklyn, heard two police officers, identified by the CCRB as PO Stanley Reed and PO Keicho Phillips, knock on her door. She described PO Reed as a white male between the ages of 31 and 38 with spiky brown hair, but who is in fact a 45-year-old black male. PO Phillips was accurately described as an average built black male in his mid-30s, approximately 6'1" tall and bald. § 87(2)(b) mother, § 87(2)(b) asked through the door what the officers wanted, and they instructed her to open the door. § 87(2)(b) refused. The officers said that they were going to kick down the door, and § 87(2)(b) refused to open door. § 87(2)(b) younger brother, § 87(2)(b) and younger sister, § 87(2)(b) were also in the apartment and were getting ready to go to school. § 87(2)(b) told the officers that she was not going to let them enter her apartment. § 87(2)(b) said that she would open the door for a female officer. PO Reed and PO Phillips walked away.

Approximately five minutes later, PO Reed and PO Phillips returned with two additional female police officers, identified through the CCRB investigation as PO Koren Stewart and PO Deidre Defreitas. PO Stewart was described as an average built black female between 5'5" to 5'6" tall. PO Defreitas was described as an average built black female in her late 20s or early 30s and approximately 5'5" to 5'6" tall. One of the female officers instructed § 87(2)(b) to open the door, and she refused. One of the male officers said, "You are going to open this fucking door." § 87(2)(b) asked PO Defreitas to ask PO Reed and PO Phillips to leave, however, PO Reed and PO Phillips refused. § 87(2)(b) did not open the door until a few minutes later, when § 87(2)(b) and § 87(2)(b) went to walk their dog. § 87(2)(b) heard the dog bark in the stairwell and went to see what was happening to § 87(2)(b) and § 87(2)(b).

On her way she saw that police officers blocked the entrance door to the building and saw § 87(2)(b) and § 87(2)(b) standing by an officer, identified by the CCRB as PO Kenneth Avila. PO Avila was described as an Asian male, approximately 5'7" tall, between 160 to 170 pounds and with short dark hair. § 87(2)(b) tried to open the entrance door so that she could leave and PO Avila pushed her back. PO Avila pushed § 87(2)(b) in the chest,

causing her to hit the mailboxes with her back. § 87(2)(b) did not sustain any injuries as a result of being pushed. § 87(2)(b) saw PO Avila push § 87(2)(b) and approached him. PO Avila asked § 87(2)(b) if she was § 87(2)(b) old, and § 87(2)(b) said that she was. PO Avila said that she could not leave the building because the officers were waiting for the NYC Administration for Children Services (ACS) workers to come. § 87(2)(b) said that she argued with her mother and that no one hurt the children, referring to § 87(2)(b) and § 87(2)(b). § 87(2)(b) tried to get the name and shield number of PO Avila by reading it off of his uniform, and PO Avila struck her on the left side of her face, causing § 87(2)(b) to fall down on the ground. § 87(2)(b) hit a bench when she was falling down and the bench fell on top of her and caused a laceration to the right side of her face. § 87(2)(b) saw PO Avila hit § 87(2)(b). PO Avila fled the scene and both § 87(2)(b) and § 87(2)(b) followed him. When they stepped outside, § 87(2)(b) saw PO Avila get in a patrol car, number 3138, and drive away. § 87(2)(b) approached PO Phillips, who was sitting in his patrol car, and said that PO Avila just struck § 87(2)(b) in the face. PO Phillips said that § 87(2)(b) was lying.

§ 87(2)(b) went to § 87(2)(b), in Brooklyn, to seek medical treatment for the scratch she sustained from falling down. No one was arrested and no summonses were issued.

The CCRB was unable to obtain an in-person statement from § 87(2)(b). On February 22, 2012, § 87(2)(b) scheduled an appointment to provide a formal statement on February 28, 2012. She failed to appear for her appointment, and she did not call in advance to cancel or reschedule. On February 28, 2012, a missed appointment letter was mailed to § 87(2)(b) (encl. 23f). Three subsequent phone calls were made to reschedule the appointment on February 29, 2012, March 2, 2012 and March 31, 2012, and three voicemail messages were left. As of February 9, 2013, § 87(2)(b) did not contact the CCRB to reschedule her appointment, and the US Postal Service did not return the missed appointment letter. On February 9, 2013, a search of the NYC Department of Correction website disclosed that § 87(2)(b) is not incarcerated (encl. 20a).

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black female, who stands 5'4" tall, weighs 215 pounds, and has brown hair and brown eyes.

Photographs

- On March 30, 2012, § 87(2)(b) provided photographs of § 87(2)(b) alleged injuries (encl. 8a-8e). The photographs are not dated but depict § 87(2)(b) with a scratch on the right cheekbone with some bleeding. The scratch appears to be approximately half an inch long.

CCRB Statement

§ 87(2)(b) provided a telephone statement on March 2, 2012 (encl. 4b). She was interviewed at the CCRB on March 21, 2012 (encl. 5a-5c). § 87(2)(g)

PO Reed and PO Phillips knocked on her door and § 87(2)(b) opened it. She asked the officers what they wanted, and one of the officers said that someone filed a noise complaint. § 87(2)(b) told the officers that they needed to talk to the person who made the complaint as there was no noise coming from her apartment and closed the door. The officers knocked on the door again, and § 87(2)(b) asked through the door what they wanted. PO Reed and PO Phillips said that they had a complaint that they needed to investigate. § 87(2)(b) said that there was no noise in her apartment and that she was not letting the officers inside.

§ 87(2)(b) and § 87(2)(b) were getting ready to go to school. PO Reed and PO Phillips continued to knock and instructed § 87(2)(b) to open the door. § 87(2)(b) refused, and one of the officers said that he was going to kick the door down. § 87(2)(b) said that if they broke her door, the City would have to pay for the repairs. § 87(2)(b) then heard two female officers, identified through the CCRB investigation as PO Defreitas and PO Stewart, ask her to see the children. § 87(2)(b) asked why, and one of the female officers said that they received a complaint of possible child abuse. § 87(2)(b) told PO Stewart and PO Defreitas that they could talk to § 87(2)(b) and § 87(2)(b) when they leave for school. One of the female officers instructed § 87(2)(b) to open the door, and § 87(2)(b) said they would need a warrant to come in. PO Reed or PO Phillips told § 87(2)(b) through the door, “I don’t need no warrant. I’ll come in your fucking house if I want to,” but § 87(2)(b) continued to refuse to open her door. In her telephone statement, § 87(2)(b) said that when she refused to open her door, either PO Reed or PO Phillips told her, “If you don’t open the door, I am going to fuck you up.”

One of the female officers asked § 87(2)(b) if she could talk to her, and § 87(2)(b) agreed on condition that PO Reed and PO Phillips leave. § 87(2)(b) saw through the peephole in the door that PO Reed and PO Phillips were still standing in the staircase, and said that she was not going to open her door. § 87(2)(b) told PO Stewart and PO Defreitas that they could talk to § 87(2)(b) and § 87(2)(b) and check them for abuse when they go to walk their dog. One of the female officers told § 87(2)(b) that the police were not leaving until their job was done.

At approximately 6:02 a.m., § 87(2)(b) and § 87(2)(b) went outside to walk their dog. Approximately fifteen to twenty minutes later, § 87(2)(b) heard the dog bark in the staircase. She opened the door and saw from the staircase on the second floor, which is where her apartment was located, that the officers were holding § 87(2)(b) and § 87(2)(b) in the vestibule of the building. PO Stewart and PO Defreitas were standing by the entrance door to the building and two additional officers, identified through the CCRB investigation as PO Avila and Sgt. Griffith, were standing by the door that lead to the staircase. § 87(2)(b) did not see PO Reed and PO Phillips in the hallway. The officers would not let § 87(2)(b) and § 87(2)(b) leave the building or go back home because they were blocking both exits. § 87(2)(b) asked the officers what were they doing, and either PO Stewart or PO Defreitas told her to mind her business. § 87(2)(b) told PO Stewart and PO Defreitas that they could not talk to the children without an adult being present, and called 911. § 87(2)(b) told a 911 operator that the NYPD officers trapped her children in the vestibule and would not let them go. The 911 operator asked § 87(2)(b) why the police officers were holding her children in the vestibule, and she said that she did not know.

§ 87(2)(b) then went downstairs and told § 87(2)(b) and § 87(2)(b) that it was time to go to school. § 87(2)(b) also told PO Avila, who stood at the base of the stairwell, that she wanted to listen to what PO Stewart and PO Defreitas were asking § 87(2)(b) and § 87(2)(b). PO Avila pushed § 87(2)(b) into a wall, and she fell down on the stairs. § 87(2)(b) stood up and told PO Avila not to touch her, and PO Avila replied, “I do what the fuck I want to.” In her telephone statement, § 87(2)(b) stated that she heard § 87(2)(b) tell PO Avila not to put his hands on § 87(2)(b) to which PO Avila replied, “I do whatever the fuck I want to.” PO Avila then punched § 87(2)(b) in the face with a fist, causing her to fall down on the stairs again. PO Stewart and PO Defreitas saw PO Avila punch § 87(2)(b) in the face. § 87(2)(b) sustained a laceration and a bruise to her right cheek. PO Avila ran outside after punching § 87(2)(b) in the face. § 87(2)(b) stood up and walked after PO Avila but one of the female officers held her back, while the other female officer held the exit door in order to prevent § 87(2)(b) from

leaving the apartment building. § 87(2)(b) did not know which female officer was holding the door and which female officer was holding § 87(2)(b). § 87(2)(b) went back to her apartment, took a frying pan and went after PO Avila. § 87(2)(b) went outside to take a picture of PO Avila but he drove off in his patrol car.

§ 87(2)(b) approached PO Reed and PO Phillips, who were sitting inside their patrol car, and asked if they saw PO Avila punch § 87(2)(b). One of them replied that he saw § 87(2)(b) with a frying pan. § 87(2)(b) told PO Reed and PO Phillips that § 87(2)(b) had to defend herself and the officers said that they were busy doing paperwork. § 87(2)(b) had no further interaction with the officers.

Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black female, who stands 5'3" tall, weighs 120 pounds, and has black hair and brown eyes.

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on March 21, 2012 (encl. 6a-6b). § 87(2)(g)

§ 87(2)(b) was in her room when she heard her mother, § 87(2)(b) talk to the officers. The door of her room was open. One of the officers told § 87(2)(b) that there was an anonymous call complaining about noise in her apartment and asked to see the children. § 87(2)(b) did not hear the officers specify which children they needed to check or what the officers meant when they said that they needed to check the children. § 87(2)(b) told the officers that they could check the children once they go outside to walk the dog. § 87(2)(b) requested female officers to the scene, and one of the officers told § 87(2)(b) that female officers were present with them. An officer instructed § 87(2)(b) to open the door. When § 87(2)(b) refused, that officer told her that he was going to kick down the door. § 87(2)(b) still refused. § 87(2)(b) heard one of the officers say "Fuck you" to § 87(2)(b) and threaten to come in and search the apartment.

A few minutes later, § 87(2)(b) and § 87(2)(b) left the apartment to go outside but were stopped by PO Reed, PO Stewart and PO Defreitas in the vestibule doorway. Two of the officers were blocking the door to prevent § 87(2)(b) and § 87(2)(b) from exiting the building. PO Stewart and PO Defreitas told § 87(2)(b) and § 87(2)(b) that they could not go anywhere and began questioning them. PO Stewart and PO Defreitas asked § 87(2)(b) and § 87(2)(b) for their names, their dates of birth, the name of their mother and the elder sister. Both § 87(2)(b) and § 87(2)(b) answered the questions. PO Stewart and PO Defreitas told § 87(2)(b) and § 87(2)(b) that they could not go anywhere until their mother came out of the apartment. § 87(2)(b) stated that the officers held her and § 87(2)(b) in the vestibule for approximately 20 to 30 minutes. § 87(2)(b) came out of the apartment to bring § 87(2)(b) and § 87(2)(b) back home because they were taking too long to walk the dog. § 87(2)(b) saw PO Stewart and PO Defreitas with § 87(2)(b) and § 87(2)(b) in the vestibule of the building and asked if they could let them go. PO Avila, who was standing by the door that leads to the staircase, said that § 87(2)(b) and § 87(2)(b) were not free to leave yet. § 87(2)(b) became angry because the officer would not let § 87(2)(b) and § 87(2)(b) go and began to yell at the officers. § 87(2)(b) heard § 87(2)(b) raise her voice but she did not hear her use any profanity when talking to the officers. § 87(2)(b) tried to open the door that leads into the vestibule but PO Avila would not let her. PO Avila was holding the door and prevented § 87(2)(b) from opening it. § 87(2)(b) stood less than five

feet away from PO Avila when she reached for the door.

§ 87(2)(b) opened the door of her apartment and saw that the officers were holding § 87(2)(b) and § 87(2)(b) in the vestibule and also became upset. § 87(2)(b) told the officers that it was against the law to hold children in the vestibule. PO Reed came through the door that leads to the staircase and told § 87(2)(b) that she could not get § 87(2)(b) and § 87(2)(b). PO Reed then pushed § 87(2)(b) in the stomach. § 87(2)(b) did not trip or fall down as a result of being pushed back. PO Reed told § 87(2)(b) that she could not enter the vestibule but would not explain why. PO Stewart called the sergeant, identified as Sgt. Griffith, to the incident location. § 87(2)(b) left the vestibule and began walking back to her apartment. PO Avila told § 87(2)(b) “That’s what you get for yelling,” and pushed her in the face with an open palm. § 87(2)(b) fell down and hit her head on a bench. When § 87(2)(b) fell down, she knocked § 87(2)(b) to the ground as well because § 87(2)(b) was standing approximately two feet behind § 87(2)(b). § 87(2)(b) fell on her legs but she did not sustain any injuries from falling down. § 87(2)(b) sustained a scratch and a bruise to her face. PO Avila ran outside and drove off. § 87(2)(b) went back to the apartment and stayed there.

Victim: § 87(2)(b)

- § 87(2)(b) is an § 87(2)(b)-old black male, who stands 4’4” tall, weighs 90 pounds, and has brown hair and brown eyes.

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on March 21, 2012 (encl. 7a-7b). § 87(2)(g)

§ 87(2)(b) was upstairs in the apartment when the officers came. He stated that he could hear the officers talk to § 87(2)(b). § 87(2)(b) stated that the reason the officers came was because someone had called them. He did not know who called the police. The officers instructed § 87(2)(b) to open the door, and she refused. The officers did not say why they wanted § 87(2)(b) to open the door. § 87(2)(b) heard the officers tell § 87(2)(b) that they needed to see the children. § 87(2)(b) said that it was okay for them to check the children when it was time for them to go to school.

Approximately twenty minutes later, § 87(2)(b) and § 87(2)(b) left the apartment and were stopped by PO Defreitas and PO Stewart in the vestibule. He observed two additional police officers, identified by the CCRB as Sgt. Griffith and PO Avila, in the vestibule area. § 87(2)(b) said that PO Stewart was the only officer in the vestibule, while the rest of the officers stood in the hallway by the staircase. PO Stewart spoke to § 87(2)(b) and § 87(2)(b) and asked them their names and where they go to school. PO Stewart spoke to § 87(2)(b) and § 87(2)(b) for approximately 15 minutes.

§ 87(2)(b) then saw § 87(2)(b) open up her door and peek out from behind the door to see what the officers were doing. § 87(2)(b) exited the apartment and approached the entrance door to the vestibule. She said that § 87(2)(b) needed to go back home to prepare for school. § 87(2)(b) appeared to be mad because she was raising her voice. § 87(2)(b) tried to open the entrance door to the vestibule, however, PO Stewart was holding it shut. PO Avila told § 87(2)(b) “You can’t do that,” referring to her trying to open the door. § 87(2)(b) heard other police officers tell § 87(2)(b) that she could not open the door. PO Stewart also told § 87(2)(b) approximately five times to stop trying to open the door, and § 87(2)(b) did not comply. PO Avila then punched § 87(2)(b) in the face with a fist, ran out of the building and drove off in a patrol car. § 87(2)(b)

§ 87(2)(b) did not know how close § 87(2)(b) was to PO Avila when he punched her. He did not hear § 87(2)(b) have any further conversation with PO Avila. § 87(2)(b) did not see any police officer hit § 87(2)(b) and he did not see § 87(2)(b) fall down at any point during this incident. § 87(2)(b) did not see any officer or the members of his family make any physical contact with § 87(2)(b). § 87(2)(b) did not see § 87(2)(b) fall down after being punched in the face.

§ 87(2)(b) stated that after § 87(2)(b) was punched in the face, she went to tell § 87(2)(b) about what had happened. § 87(2)(b) then went after PO Avila, who drove off by that time.

NYPD Statements:

Subject Officer: SGT. ROHAN GRIFFITH

- *Sgt. Rohan Griffith is a § 87(2)(b)-old black male, who is 5'10" tall, weighs 235 pounds, and had black hair and brown eyes.*
- *On the day of the incident, Sgt. Griffith was assigned to the 77th Precinct as a Patrol Supervisor. Sgt. Griffith worked in uniform from 11:05 p.m. to 8:02 a.m. with PO Defreitas. The officers were assigned to a marked RMP number 3850.*

Memo Book Entries

Sgt. Griffith recorded in his memo book that on February 13, 2012, at 5:45 a.m., he responded to § 87(2)(b) for possible child abuse. The caller who reported the incident stated that she it sounded as if the mother in apartment § 87(2)(b) was hitting her children too hard. Another caller reported the incident as well. At 6:00 a.m., Sgt. Griffith arrived at the scene. At 6:05 a.m., ESU was requested to the location to take the door down for wellness check because the mother refused to open the door. At 6:18 a.m., ESU was canceled because the mother let the children out. The children appeared to be uninjured. Officers assigned to Sector A/B/C notified ACS and were instructed to prepare a SCAM report. ACS was notified about the incident and they refused to respond to the location. The children were released to the mother after ACS declined to further interview (encl. 11a-11c).

CCRB Statement

Sgt. Griffith was interviewed at the CCRB on October 17, 2012 (encl. 11d-11e).

On February 13, 2012, at approximately 5:30 a.m., the officers assigned to Sector A/B/C, identified by Sgt. Griffith as PO Reed and PO Phillips, requested Sgt. Griffith to respond to a report of possible child abuse in the vicinity of § 87(2)(b) in Brooklyn. Upon arriving, PO Reed and PO Phillips informed Sgt. Griffith that a female behind the door, known to the CCRB as § 87(2)(b) refused to open the door and let them interview the children. Officers assigned to Sector K/M, identified by Sgt. Griffith as PO Avila and PO Stewart, also responded to the location. Sgt. Griffith spoke to PO Reed and PO Phillips on the second floor hallway, in front of § 87(2)(b) apartment. He heard § 87(2)(b) scream through the door that she would not open it. Sgt. Griffith asked § 87(2)(b) to open the door, and she continued to refuse. Sgt. Griffith did not hear any other officer speak to § 87(2)(b). Sgt. Griffith did not remember speaking to § 87(2)(b) about a warrant but he informed her that if she did not open the door he would call ESU. § 87(2)(b) still refused, and Sgt. Griffith instructed PO Reed to contact ESU so they could take down the door. Sgt. Griffith explained that in case of child abuse reports, police have the authority to break the door if no one opens it.

Sgt. Griffith did not threaten to kick down § 87(2)(b) door. Sgt. Griffith did not tell § 87(2)(b) "I can come in your fucking house if I want to" or "Fuck you," and he did

not hear any other officer make those remarks. Sgt. Griffith did not hear any officer tell § 87(2)(b) “If you don’t open the door, I am going to fuck you up,” and he did not hear any officer use any profanity toward § 87(2)(b) during this incident.

A few minutes later, § 87(2)(b) opened the door and let § 87(2)(b) and § 87(2)(b) out of the apartment. Sgt. Griffith instructed his female partner, PO Defreitas, to interview § 87(2)(b) and § 87(2)(b). PO Stewart may have also interviewed § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) were interviewed in the lobby of the building. Sgt. Griffith was walking in and out of the building during the interview, and heard PO Defreitas ask § 87(2)(b) and § 87(2)(b) about their condition and if there were any other children in the apartment. PO Reed, PO Phillips and PO Avila stood in the hallway while § 87(2)(b) and § 87(2)(b) were being interviewed. Sgt. Griffith could not estimate how long the interview lasted but said that it was brief.

During the interview, Sgt. Griffith observed § 87(2)(b) exit the apartment. § 87(2)(b) was yelling but Sgt. Griffith could not recall what it was about. Sgt. Griffith did not remember § 87(2)(b) using any profanity during this incident. Sgt. Griffith did not see any officer make physical contact with § 87(2)(b). Sgt. Griffith did not see any officer strike or push § 87(2)(b) or § 87(2)(b) and he did not see them fall down on the floor.

Once it was determined that § 87(2)(b) and § 87(2)(b) were uninjured and there were no other children in the apartment, Sgt. Griffith instructed PO Reed and PO Phillips to contact ACS and notify the NY State Registry. When PO Defreitas and PO Stewart finished interviewing § 87(2)(b) and § 87(2)(b) Sgt. Griffith instructed PO Reed and PO Phillips to prepare the Suspected Child Abuse and Maltreatment (SCAM) report in regards to the incident. Sgt. Griffith and PO Defreitas left the scene afterwards.

Subject Officer: PO KENNETH AVILA

- PO Kenneth Avila is a § 87(2)(b)-old Asian male, stands 5’6” tall, weighs 175 pounds, with black hair and brown eyes.
- On the day of the incident, PO Avila worked in uniform from 11:15 p.m. to 7:50 a.m. with PO Koren Stewart. The officers were assigned to patrol Sector K/M in RMP 3175.

Memo Book Entries

PO Avila recorded in his memo book that on February 13, 2012, at 5:29 a.m., PO Avila responded to § 87(2)(b) for back up. At 6:05 a.m., ESU was requested to the location. At 6:18 a.m., ESU was canceled. The perpetrator exited the apartment and yelled that she would call Rev. Al Sharpton and would attempt to have the police officers fired. The perpetrator exited the apartment with a video camera threatening the responding officers. Sgt. Griffith advised the officers to resume patrol. The officers assigned to Sector A were assigned to do the administrative paperwork and prepare the Child Abuse Report. ACS was notified. At 6:38 a.m., the perpetrator called the precinct desk making allegations of physical abuse toward her daughter and injuries to her children from the responding officers. The perpetrator stated that she would stand outside the police precinct and videotape the officers. The SPRINT in regards to this incident is § 87(2)(b) and the civilian may possibly file a CCRB complaint.

PO Avila noted on the fly page of his memo book that a female caller, telephone number 201-841-9962, reported that at § 87(2)(b) mother from downstairs was possibly abusing her kids. Another female caller, telephone number § 87(2)(b), also reported that at § 87(2)(b) a female was yelling at kids very loudly and was possibly hitting them. Sgt. Griffith was notified to respond to the location (encl. 14a-14d).

CCRB Statement

PO Avila was interviewed at the CCRB on January 24, 2013 (encl. 14e-14g). § 87(2)(b)

§ 87(2)(b) refused to let the officers in or the children out. PO Avila did not recall having any conversation with § 87(2)(b) about a warrant or knocking down the door. PO Avila did not hear PO Reed or PO Phillips tell § 87(2)(b) “I don’t need a warrant. I can come in your fucking house if I want to.” He did not hear any officer tell § 87(2)(b) “Fuck you” and “If you don’t open this door I’m gonna fuck you up.” PO Avila did not hear PO Reed or PO Phillips use any profanity toward § 87(2)(b).

PO Reed and PO Phillips requested a patrol sergeant to the location, and Sgt. Griffith responded with PO Defreitas. Sgt. Griffith spoke to § 87(2)(b) through the door for approximately five minutes and reiterated that the officers needed to see the children. PO Avila did not hear Sgt. Griffith tell § 87(2)(b) “I don’t need a warrant. I can come in your fucking house if I want to,” “Fuck you,” or “If you don’t open this door I am gonna fuck you up.” PO Avila did not hear Sgt. Griffith use any profanity when speaking to § 87(2)(b). PO Avila did not hear Sgt. Griffith tell § 87(2)(b) that he was going to kick down her door. PO Avila did not hear PO Defreitas use any of the aforementioned discourtesies or tell § 87(2)(b) that she was going to kick down the door. § 87(2)(b) refused to open her door and told the officers, “Fuck you, I don’t have to open the door. You can’t come in here without a warrant. Call whomever you want to kick down the door. I am not letting you in.” Sgt. Griffith requested the Emergency Service Unit (ESU) to respond to the location, and approximately ten minutes later, § 87(2)(b) let § 87(2)(b) and § 87(2)(b) out. PO Stewart and PO Defreitas spoke to § 87(2)(b) and § 87(2)(b) in the vestibule of the apartment building. PO Avila stood at the base of the stairs, while PO Reed and PO Phillips were in their RMP. PO Avila did not hear what PO Stewart and PO Defreitas were asking § 87(2)(b) and § 87(2)(b). PO Stewart and PO Defreitas interviewed the children for approximately five minutes.

PO Avila was alone in the hallway when § 87(2)(b) exited the apartment and approached the vestibule in order to retrieve the children. § 87(2)(b) told PO Avila that her mother wants § 87(2)(b) and § 87(2)(b) to go back to the apartment. PO Avila told § 87(2)(b) that the children could not go back to the apartment at that moment because they were talking to the officers. § 87(2)(b) went back to her apartment. § 87(2)(b) exited the apartment with a video camera and yelled at the officers, “You hit my daughter. I am going to videotape you and file a complaint against you.” PO Avila did not know why § 87(2)(b) was making that allegation. PO Avila did not see § 87(2)(b) exit the apartment again. Upon discovering no evidence of child abuse, Sgt. Griffith instructed PO Avila and PO Stewart to resume patrol, and they complied. PO Reed and PO Phillips notified the NYC Administration for Children Services (ACS) and prepared relevant administrative paperwork. PO Avila did not strike § 87(2)(b) and he did not have any physical contact with her. PO Avila did not see any other officer strike or have any physical contact with § 87(2)(b). PO Avila did not see any of the children fall down. PO Avila was presented with a photograph of § 87(2)(b) with a scratch to her right cheekbone and asked if he saw her with that injury when he interacted with her. PO Avila stated that he did not recall seeing § 87(2)(b) with that injury.

When PO Avila arrived at the 77th Precinct stationhouse, Sgt. Griffith told him and the rest of the officers who were at the scene that § 87(2)(b) called the stationhouse alleging that § 87(2)(b) was struck. PO Avila told Sgt. Griffith that he did not know what § 87(2)(b) was talking about because he did not make any physical contact with § 87(2)(b).

Witness Officer: PO KOREN STEWART

- *PO Koren Stewart is a § 87(2)(b)-old black female, 5'3" tall, 113 pounds, with brown hair and brown eyes.*
- *On the day of the incident, PO Stewart worked in uniform from 11:15 p.m. to 7:50 a.m. with PO Avila. PO Stewart was assigned to patrol Sectors K and M in RMP number 3175.*

Memo Book Entries

PO Stewart recorded in her memo book that on February 13, 2012, at 5:29 a.m., she was backing up officers assigned to Sector A at § 87(2)(b). At 6:05 a.m., called for ESU and at 6:18 a.m. ESU was cancelled (encl. 9a-9b).

CCRB Statement

PO Stewart was interviewed at the CCRB on July 16, 2012 (encl. 9c-9d).

On February 13, 2012, at approximately 5:29 a.m., PO Stewart and PO Avila responded as back up to § 87(2)(b) in Brooklyn. PO Stewart stated that she spoke to § 87(2)(b) and § 87(2)(b) at the location. She asked them if they were okay, and they said that they were. PO Stewart did not remember where in the building she spoke to § 87(2)(b) and § 87(2)(b). PO Stewart did not remember if there were any other officers present when she asked § 87(2)(b) and § 87(2)(b) if they were okay. PO Stewart did not remember whether she asked § 87(2)(b) and § 87(2)(b) anything else. PO Stewart did not remember where PO Avila was at the time of her interaction with § 87(2)(b) and § 87(2)(b). PO Stewart was presented with colored photographs of #§ 87(2)(b) and § 87(2)(b) and she did not remember these individuals. PO Stewart did not remember why she responded as back up for the officers assigned to Sector A, identified by PO Stewart as PO Reed and PO Phillips. PO Stewart did not remember what PO Reed and PO Phillips were doing when she arrived at the location. PO Stewart did not remember if anyone else came out of the apartment.

PO Stewart did not hear any of the officers threaten to kick the door down if § 87(2)(b) refused to open it. PO Stewart did not hear any of the officers tell § 87(2)(b) "You are going to open this fucking door." PO Stewart did not hear any of the officers tell § 87(2)(b) "If you don't open the door I'm gonna fuck you up." PO Stewart did not hear any of the officers tell § 87(2)(b) "I'll come in your fucking house if I want to." PO Stewart did not hear any of the officers tell § 87(2)(b) "Fuck you." She did not hear any of the officers tell § 87(2)(b) "I do whatever the fuck I want to." She did not hear any of the officers use profanity when talking to the civilians. PO Stewart did not see any of the officers make physical contact with any of the civilians. PO Stewart did not see any of the officers punch or push § 87(2)(b) in the face or in the stomach. She did not see any of the civilians fall down or hit a wall at any point.

Witness Officer: PO DEIDRE DEFREITAS

- *PO Deidre Defreitas is a § 87(2)(b)-old black female, 5'5" tall, 165 pounds, with black hair and dark brown eyes.*
- *On the day of the incident, PO Defreitas worked in uniform from 11:15 p.m. to 7:50 a.m. with Sgt. Griffith. PO Defreitas was assigned as a Sergeant's Operator and worked in RMP number 3850.*

Memo Book Entries

PO Defreitas recorded in her memo book that on February 13, 2012, at 5:45 p.m., she

responded to a report of a possible child abuse at § 87(2)(b). The neighbor stated that the mother was yelling and possibly abusing her children. At 6:00 a.m., PO Defreitas arrived at § 87(2)(b). At 6:30 a.m., PO Defreitas resumed patrol after the mother let the children out of the apartment. Interviewed the § 87(2)(b)-old and the § 87(2)(b)-old children and discovered no signs of abuse/maltreatment. ACS refused to take the report or to come to the location. The children were released at 6:18 a.m. (encl. 10a-10c).

CCRB Statement

PO Defreitas was interviewed at the CCRB on July 13, 2012 (encl. 10d-10e).

On February 13, 2012, at 6:00 a.m., PO Defreitas and Sgt. Griffith responded to reports of possible child abuse at § 87(2)(b) in Brooklyn. PO Avila and PO Stewart were already at the scene and talking to § 87(2)(b). PO Defreitas did not hear any of the officers threaten to kick the door down if she continued to refuse to open the door. PO Defreitas stayed in the vestibule area while Sgt. Griffith, PO Reed and PO Phillips were on the second floor hallway at § 87(2)(b) door. PO Defreitas said that she was able to hear the conversation between § 87(2)(b) and Sgt. Griffith because the staircase was rather small. At some point PO Reed and PO Phillips arrived at the scene. She did not know at what point PO Reed and PO Phillips arrived or what their role was in this incident. PO Defreitas did not hear any of the officers tell § 87(2)(b) “You are going to open this fucking door.” She did not hear any of the officers tell § 87(2)(b) “If you don’t open the door I’m gonna fuck you up.” PO Defreitas did not hear any of the officers tell § 87(2)(b) “I’ll come in your fucking house if I want to.”

A few minutes later, § 87(2)(b) let § 87(2)(b) and § 87(2)(b) out of the apartment. PO Defreitas was instructed to speak to § 87(2)(b) and § 87(2)(b) to make sure they were okay. PO Defreitas stopped them in the vestibule area of the building, and § 87(2)(b) and § 87(2)(b) said that everything was fine. PO Defreitas said that PO Stewart was with her in the vestibule. PO Defreitas did not remember if there were any officers in the staircase of the building when she spoke to § 87(2)(b) and § 87(2)(b) but said that there were a few officers outside the building.

PO Defreitas asked § 87(2)(b) and § 87(2)(b) if they felt safe at home, and they said that they did. PO Defreitas explained to § 87(2)(b) and § 87(2)(b) the reason why the police came and that the officers wanted to make sure they were okay. § 87(2)(b) was more forthcoming with the information than § 87(2)(b) and informed PO Defreitas that his mother, § 87(2)(b) and his oldest sister, § 87(2)(b) tend to have a lot of arguments. § 87(2)(b) said that when § 87(2)(b) and § 87(2)(b) argue, § 87(2)(b) becomes very upset, and that he goes to his room and shuts the door. PO Defreitas spoke to § 87(2)(b) and § 87(2)(b) for approximately fifteen minutes. PO Defreitas said that no one came out of the apartment while she spoke to the children. PO Defreitas did not see any of the officers make physical contact with § 87(2)(b) or § 87(2)(b). She did not see § 87(2)(b) fall down at any point. PO Defreitas did not hear any of the officers tell § 87(2)(b) or any other civilian, “I’ll do whatever the fuck I want to.” PO Defreitas did not see any of the officers push or punch § 87(2)(b). PO Defreitas did not see any of the officers push § 87(2)(b).

After interviewing § 87(2)(b) and § 87(2)(b) PO Defreitas informed Sgt. Griffith of her findings, and he instructed her to release the children. PO Defreitas was asked about her memo book entry that indicated that ACS was contacted. She did not know who contacted ACS and at what point. PO Defreitas explained that the reason she and Sgt. Griffith responded to the location was due to the serious nature of the call – child abuse.

Witness Officer: PO STANLEY REED

- *PO Stanley Reed is a § 87(2)(b)-old black male, who is 5'7" tall, with black and grey hair and brown eyes.*
- *On the day of the incident, PO Reed worked in uniform from 11:15 p.m. to 7:50 a.m. with PO Keicho Phillips. The officers were assigned to patrol Sector A/B/C in RMP number 3820.*

Memo Book Entries

PO Reed recorded in his memo book that on February 13, 2012, at 5:33 a.m., he responded to a report of possible child abuse at § 87(2)(b). At 5:42 a.m., a second call was made alleging child abuse. At 5:42 a.m., PO Reed and PO Phillips arrived at the scene. At 5:45 a.m., PO Reed requested a patrol supervisor to respond to the scene. The mother of the children was irate and denied entry into her apartment. At 6:05 a.m., officers assigned to Sector K arrive at scene with the patrol sergeant. ESU was requested to respond and open the door. At 6:42 a.m., the mother let her children out of the apartment. The children are ages § 87(2)(b) and § 87(2)(b) and there is no child abuse as per the sergeant. The children are okay. At 7:00 a.m., PO Reed drove to the 77th Precinct stationhouse to do corresponding administrative paperwork. Prepared the Domestic Incident Report and the Suspected Child Abuse Report and PO Phillips contacted § 87(2)(b) of the ACS, who refused to investigate the case (encl. 12a-12c).

CCRB Statement

PO Reed was interviewed at the CCRB on October 4, 2012 (encl. 12d-12e). § 87(2)(g) § 87(2)(b) told PO Reed, "Go fuck yourself," after he requested she open the door. PO Reed and PO Phillips requested a patrol supervisor to the scene and at approximately 6:05 a.m., Sgt. Griffith and PO Deidre Defreitas arrived at the location. PO Stewart and PO Avila also arrived at the scene. Sgt. Griffith requested that § 87(2)(b) open her door, and she refused. Sgt. Griffith instructed PO Reed to call for ESU to take down the door. At 6:42 a.m., prior to arrival of the ESU, § 87(2)(b) allowed her children, known to the CCRB as § 87(2)(b) and § 87(2)(b) out of the apartment, and PO Reed canceled the request for ESU. PO Reed did not threaten to kick down the door, and he did not hear any other officer threaten § 87(2)(b) with kicking down her door. PO Reed did not tell § 87(2)(b) "I can come in your fucking house if I want to" or "Fuck you," and he did not hear any other officer make those remarks. PO Reed also did not hear any officer tell § 87(2)(b) "If you don't open the door, I am going to fuck you up."

Sgt. Griffith stopped § 87(2)(b) and § 87(2)(b) to interview them and asked if everything was okay. § 87(2)(b) and § 87(2)(b) said that they were fine, and Sgt. Griffith asked if everything inside the apartment was okay. § 87(2)(b) and § 87(2)(b) said again that all was fine. Sgt. Griffith instructed PO Defreitas and PO Stewart to interview § 87(2)(b) and § 87(2)(b) to make sure they were physically sound. PO Reed stood in the hallway when § 87(2)(b) and § 87(2)(b) were being questioned, and he did not hear their conversation with PO Defreitas and PO Stewart. A few minutes later, § 87(2)(b) came out of her apartment and told PO Reed, "I am going to whip your ass." § 87(2)(b) referred to PO Reed as a "motherfucker" and "fat bastard." § 87(2)(b) exited the apartment and talked very loudly. § 87(2)(b) was not talking to anyone specifically, and PO Reed did not remember what she was saying. PO Reed stated that § 87(2)(b) reentered her apartment, and when she came out again she had a frying pan. PO Reed did not know why § 87(2)(b) had a pan in her hand. He said that she held it up at face level but did not swing at any of the officers. § 87(2)(b) and § 87(2)(b) were released after Sgt. Griffith determined that

there were no signs of physical abuse.

PO Reed did not see any officer punch or make any physical contact with § 87(2)(b). PO Reed did not see § 87(2)(b) or § 87(2)(b) fall down at any point during this incident. PO Reed did not use any profanity during this incident, and he did not hear any other officer do so. PO Reed did not threaten to use force against anyone inside the apartment, and he did not hear any other officer do so.

Witness Officer: PO KEICHO PHILLIPS

- *PO Keicho Phillips is a § 87(2)(b)-old black male, who is 6'1" tall, weighs 230 pounds, with brown eyes and completely bald.*
- *On the day of the incident, PO Phillips worked in uniform from 11:15 p.m. to 7:50 a.m. with PO Reed. The officers were assigned to patrol Sector A/B/C and drove a marked RMP 3820.*

Memo Book Entries

PO Phillips recorded in his memo book that on February 13, 2012, at 5:33 a.m., he responded to a report of a possible child abuse at § 87(2)(b). At 5:42 a.m., PO Phillips and PO Reed arrived at the scene and a second call was made alleging child abuse. At 5:45 a.m., PO Reed requested a patrol supervisor to respond to the scene because the mother of the children was irate and denied entry into her apartment. At 6:05 a.m., officers assigned to Sector K arrive on scene with the patrol sergeant. The 77th Precinct supervisor requested ESU to respond and open the door. At 6:42 a.m., the mother let her children out of the apartment. The children were ages 11 and 16, and there was no child abuse as per the sergeant. At 7:00 a.m., PO Reed drove to the 77th Precinct stationhouse to prepare the Domestic Incident Report and the Suspected Child Abuse and Maltreatment (SCAM) Report. Contacted § 87(2)(b) of the ACS and she refused to investigate the case (encl. 13a-13c).

CCRB Statement

PO Phillips was interviewed at the CCRB on October 5, 2012 (encl. 13d-13f). § 87(2)(g) § 87(2)(b) stated through the door, "I am not opening the fucking door. You need a fucking search warrant to come to my house." PO Phillips and PO Reed instructed § 87(2)(b) to open the door several times, and she refused to comply. § 87(2)(b) was irate and was yelling from behind the door, was refusing to comply and was cursing. PO Phillips and PO Reed spoke to § 87(2)(b) for approximately three to five minutes before requesting a patrol supervisor to the scene.

Approximately five minutes later, Sgt. Griffith and PO Defreitas arrived at the scene. Additionally, PO Stewart and PO Avila also responded. Sgt. Griffith spoke to § 87(2)(b) through the door and instructed her to open it. She continued to refuse, and Sgt. Griffith informed her that the Emergency Service Unit (ESU) would have to take down her door. PO Avila, PO Stewart, PO Defreitas, PO Reed and PO Phillips were all present during Sgt. Griffith's conversation with § 87(2)(b).

Sgt. Griffith requested ESU after § 87(2)(b) failed to open the door. Before ESU arrived, she let § 87(2)(b) and § 87(2)(b) out of the apartment. Sgt. Griffith canceled ESU and instructed PO Defreitas and PO Stewart to interview the children. PO Defreitas and PO Stewart stopped § 87(2)(b) and § 87(2)(b) in the vestibule and spoke to them. They were interviewed for approximately five minutes. PO Phillips did not hear what § 87(2)(b) and § 87(2)(b) were asked. While § 87(2)(b) and § 87(2)(b) were being interviewed, PO Phillips and PO Reed exited the building and went to their patrol car to prepare administrative

paperwork regarding the incident. PO Defreitas and PO Stewart found no evidence of abuse, and Sgt. Griffith let § 87(2)(b) and § 87(2)(b) go.

A few minutes later, § 87(2)(b) came out of the building and approached PO Phillips' and PO Reed's patrol car. She took pictures of PO Phillips and PO Reed while they were filling out paperwork (encl. 8d—8e). PO Phillips did not hear § 87(2)(b) say anything to PO Reed while she was outside. PO Phillips observed § 87(2)(b) run out of the building. § 87(2)(b) appeared to be upset because she was cursing, asking, "What the fuck is going on? Why you did that?" PO Phillips was unaware of what § 87(2)(b) was talking about because he was outside and did not see what happened inside the building. PO Defreitas and PO Stewart were still inside the building when § 87(2)(b) came outside, but he did not know where PO Avila was at the time.

PO Phillips did not tell § 87(2)(b) "I don't need a warrant, I can come in your fucking house if I want to," "Fuck you" or "If you don't open the door, I'm gonna fuck you up," and he did not hear any other officer make those remarks. PO Phillips did not use any profanity during this incident, and he did not hear any other officer do so. PO Phillips did not see any officer punch or push § 87(2)(b) and he did not see any officer push § 87(2)(b). PO Phillips did not see any officer make physical contact with § 87(2)(b) or § 87(2)(b) and he did not see them fall down.

A photo of § 87(2)(b) with a laceration on her right cheek was presented to PO Phillips. He was asked if he saw the laceration on § 87(2)(b) when she exited the building, and PO Phillips said that he did not. A photo of § 87(2)(b) with a bruise on the left side of her face was presented to PO Phillips. He was asked if he saw the injury when she exited the building, and PO Phillips said that he did not. PO Phillips did not see any officer take any actions that could have caused these injuries. PO Phillips did not threaten any civilian with the use of force, and he did not hear any other officer do so.

NYPD Documents

SPRINT Job Number § 87(2)(b)

An anonymous caller, telephone number § 87(2)(b), reported possible child abuse at § 87(2)(b) in Brooklyn. At 5:29 a.m., the anonymous female caller stated that she heard a mother from downstairs possibly abusing her kids because it sounded as though she was hitting them too hard. The female caller stated that the sounds were coming from apartment § 87(2)(b) on the § 87(2)(b) Floor. At 5:42 a.m., another anonymous female caller, telephone number § 87(2)(b), stated that a female at the aforementioned location was yelling at the kids very loudly and was possibly hitting them. She did not know if the children sustained any injuries. At 5:45 a.m., the 77th Precinct officers assigned to Sector A requested a patrol supervisor to respond to the location. At 6:05 a.m., the 77th Precinct officers assigned to Sector K requested ESU to the location. At 6:18 a.m., the officers assigned to Sector K canceled the request for ESU. At 6:28 a.m., another female caller, who appeared very irate, stated that police officers refused to release her children back in the house. The female caller stated that the officers said they were conducting a check on the kids. The female caller screamed and yelled and then hung up the phone. At 6:37 a.m., the 77th Precinct officers assigned to Sector K resumed patrol. At 6:42 a.m., the 77th Precinct patrol supervisor stated that there was no physical abuse to the kids. The patrol supervisor reported that the kids were okay and the incident ended with no arrests. At 6:43 a.m., the patrol supervisor prepared a report with regards to the incident. At 6:43 a.m., the officers assigned to Sector A prepared a report with regards to the incident (encl. 15b-15d).

First 911 Call:

An anonymous female caller reported to Operator # 2363 that at § 87(2)(b) between Lincoln Place and St. Johns Place, it sounded as though a woman from downstairs was hitting her children very hard. The female caller stated that the sound was coming from apartment § 87(2)(b). The caller refused to leave her name and telephone number (encl. 15a).

Second 911 Call:

An anonymous female caller reported to Operator # 2435 that at § 87(2)(b) between Lincoln Place and St. Johns Place, in Brooklyn, she heard a woman from downstairs yell at her children and possibly hit them. She said that no ambulance is needed. The caller refused to identify herself or leave a call back number (encl. 15a).

Third 911 Call:

Operator # 0642 answered the call and a female caller, known to the CCRB as § 87(2)(b) began yelling stating the police were holding her kids at the door at § 87(2)(b). § 87(2)(b) reported that the officers were preventing her children from coming upstairs and from going to school. § 87(2)(b) stated that the police were holding her § 87(2)(b) year-old son, known to the CCRB as § 87(2)(b) and § 87(2)(b)-old daughter, known to the CCRB as § 87(2)(b) and would not release them. Operator # 0642 asked § 87(2)(b) Figures if there was anything happening outside, and § 87(2)(b) said that nothing was going on outside. § 87(2)(b) stated that police officers were checking her children, and operator # 0642 asked her to allow the officers to do their job. § 87(2)(b) started screaming and hung up the phone (encl. 15a).

Radio Message:

The central dispatcher instructed officers assigned to Sector A from the 77th Precinct, to respond to a report of a possible child abuse at § 87(2)(b) on the § 87(2)(b) Floor, in Brooklyn. The officers assigned to Sector A asked the dispatcher to verify the apartment because it appeared as a chronic caller and confirm that no one was prank calling. The dispatcher said that the call was made from a cell phone, and Sector A reported that they were in route to the location. A few minutes later, the dispatcher informed the officers assigned to Sector A that another caller from the same location and a different telephone number reported hearing a woman yelling at her children. The officers assigned to Sector A stated that they arrived at the scene and requested a patrol supervisor to respond. The dispatcher instructed the 77th Precinct patrol sergeant to respond to § 87(2)(b). The officers assigned to Sector A asked the dispatcher for the apartment number to the second caller, and the dispatcher said that the apartment number was unknown. The officers assigned to Sector A requested ESU to the location because the mother of the children refused to open the door. A few minutes later, the dispatcher asked Sector A if they were still at the location, and they said that they were not. The dispatcher asked the 77th Precinct patrol sergeant to call the Central Command with the job disposition. The 77th Precinct patrol sergeant called the central command and said that the job was finalized as other report prepared. The patrol sergeant stated that no abuse was found and that the mother initially refused to open the door but eventually released her children from the apartment. He saw the children and they appeared to be fine. The patrol sergeant further stated that he interviewed the children in the street because the mother would not let them inside and he discovered no obvious signs of physical abuse. The patrol sergeant said that the ACS was notified in regards to this incident (encl. 15a).

Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b)

claiming false arrest, false imprisonment, assault and battery, illegal search and seizure, and seeking one million dollars as redress(encl. 21a-21h). As per the NYC Law Department, § 87(2)(b) had her claim settled on § 87(2)(b)

Civilians Criminal History

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Civilians CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 2d-2e).
- § 87(2)(b) has filed the following CCRB complaint (encl. 2f):
 - § 87(2)(b)
[REDACTED]
- § 87(2)(b) has filed the following CCRB complaints (encl. 2c):
 - § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]

Subject Officers CCRB History

- PO Kenneth Avila has been a member of the service for 12 years and there are no substantiated CCRB allegations against him (encl. 2b).
- Sgt. Rohan Griffith has been a member of the service for 7 years and there are no substantiated allegations against him (encl. 2a).

Conclusion

Identification of Subject Officers

§ 87(2)(b) alleged that one of the officers, whom she photographed, identified through the CCRB investigation as PO Reed and PO Phillips, threatened to kick down her door and used discourteous language toward her. She did not know which officer made either statement. PO Reed and PO Phillips acknowledged being the first responding officers and to interacting with § 87(2)(b) prior to the arrival of additional units. However, absent additional statements and documentary evidence, the CCRB was unable to determine which officer made the alleged discourteous remarks. § 87(2)(g)
[REDACTED] Sgt. Griffith admitted to authorizing PO Reed

to call for ESU, and PO Phillips heard Sgt. Griffith inform § 87(2)(b) that if she refused to open her door, ESU would take it down. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that they were questioned in the vestibule of § 87(2)(b) in Brooklyn. PO Stewart and PO Defreitas acknowledged stopping and questioning them, and Sgt. Griffith acknowledged authorizing the questioning. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that a stocky Asian male officer, approximately 5'7" tall, used physical force against § 87(2)(b). § 87(2)(b) also alleged that this officer spoke discourteously to § 87(2)(b). PO Avila, identified by PO Stewart, acknowledged to interacting with § 87(2)(b). PO Avila is a § 87(2)(b)-old Asian male, 5'6" tall, 175 pounds, with black hair and brown eyes. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) alleged in her telephone statement that when § 87(2)(b) attempted to open the door leading into the building, PO Avila pushed § 87(2)(b) in the chest, causing her to hit her back on mailboxes. § 87(2)(b) did not make such allegation against PO Avila in her in-person statement, and neither § 87(2)(b) nor § 87(2)(b) corroborated § 87(2)(b) allegation. Moreover, § 87(2)(b) did not cooperate with the investigation and did not provide an in-person statement to the CCRB. § 87(2)(g)

§ 87(2)(b) alleged in her telephone statement that after she refused to open her door, either PO Reed or PO Phillips told her, "If you don't open the door, I am going to fuck you up." In her in-person statement, § 87(2)(b) made no such allegation. § 87(2)(g)

§ 87(2)(b) alleged that PO Reed told § 87(2)(b) "Fuck you," when he was speaking to her through the door. § 87(2)(b) did not make that allegation, and § 87(2)(b) and § 87(2)(b) did not corroborate § 87(2)(b)'s statement. § 87(2)(g)

§ 87(2)(b) alleged that when § 87(2)(b) came down the staircase to bring back her and § 87(2)(b), PO Reed pushed § 87(2)(b) in the stomach. However, § 87(2)(b) made no such allegation in her telephone statement, and she did not come in for an in-person interview. § 87(2)(g)

Allegation A – Abuse of Authority: Sgt. Rohan Griffith threatened to damage § 87(2)(b) property.

It is undisputed that officers responded to § 87(2)(b) apartment based on anonymous 911s calls regarding possible child abuse. According to the radio communications, the dispatcher was unable to provide the officers with apartment numbers for the 911 callers upon their request.

It is also undisputed that § 87(2)(b) refused to open the door and allow the officers to see her children. § 87(2)(b) stated that when she refused to open the door, an officer told her that he would kick down the door if she continued to refuse to open it. § 87(2)(b)

and § 87(2)(b) corroborated this statement.

PO Phillips testified that Sgt. Griffith informed § 87(2)(b) that if she continued to refuse to open the door, ESU would come and take the door down. Sgt. Griffith stated that he informed § 87(2)(b) that if she did not open the door he would call ESU. Sgt. Griffith explained that in cases involving child abuse, police have the authority to break the door down if no one opens it. Officers requested that ESU respond to the location to take the door down but later canceled the request. PO Avila, PO Stewart and PO Defreitas denied hearing any of the officers threaten to take down the door. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Anonymous calls provide officers with only a founded suspicion to make a common law inquiry. People v. Moore, 2006 NY Slip Op 1249 (encl. 1a-1d). To elevate the level of inquiry, the police must acquire additional information or make additional observations of suspicious conduct. Id. Officers may, however, enter a location if they have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance to protect life. People v. Dallas, 8 N.Y.3d 890 (2007), (encl. 1p-1q).

The anonymous 911 calls in this case reported hearing what sounded like children being abused inside of the apartment. However, when the officers arrived at the location, they did not report hearing any screaming, sounds of hitting or anyone asking for help. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Discourtesy: An officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that when she told PO Reed and PO Phillips that they needed a warrant to get into her apartment, one of them stated, “I don’t need no warrant. I’ll come in your fucking house if I want to.” § 87(2)(b) did not know which officer made the statement. PO Reed and PO Phillips denied making the aforementioned discourtesy and to using any profanity during this incident. PO Stewart, PO Defreitas, PO Avila and Sgt. Griffith did not hear PO Reed or PO Phillips make the discourteous remark. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Abuse of Authority: Sgt. Rohan Griffith authorized the stop of § 87(2)(b)

§ 87(2)(b) and § 87(2)(b)

It is undisputed that Sgt. Griffith authorized the stop of § 87(2)(b) and § 87(2)(b). It is also undisputed that PO Stewart and PO Defreitas interviewed § 87(2)(b) and § 87(2)(b) who stated that the officers inquired about their wellbeing, whether they felt safe at home, where they went to school and who was at home.

“The role of the police in our society is a multifaceted one.” People v. DeBour, 40 N.Y.2d 210 (1976) (encl. 1e-1o). While performing their public service functions, unrelated to criminal law enforcement, the police have wide latitude to approach individuals and request information. Id. An officers ability to approach people and request information while engaged in

their criminal law enforcement function, however, hinges on the “the manner and intensity of the interference, the gravity of the crime involved and the circumstances attending the encounter.” Id.

§ 87(2)(g)

Allegation D – Force: PO Kenneth Avila used physical force against § 87(2)(b)

It is undisputed that PO Avila interacted with § 87(2)(b) who alleged that PO Avila struck her in the face, causing her to fall on the ground and sustain a scratch to the right cheek. § 87(2)(b) stated that PO Avila struck § 87(2)(b) in the face with a fist, and § 87(2)(b) corroborated that allegation. § 87(2)(b) stated that PO Avila pushed § 87(2)(b) in the face with an open hand. PO Avila denied making any physical contact with § 87(2)(b). PO Reed, PO Phillips, PO Stewart, PO Defreitas and Sgt. Griffith did not see PO Avila strike § 87(2)(b) in the face, and they did not see any of the civilians fall down at any point during the incident. § 87(2)(b) e-mailed pictures of the injury sustained by § 87(2)(b) which showed a laceration on the right side of § 87(2)(b) face.

§ 87(2)(g)

Allegation E – Discourtesy: PO Kenneth Avila spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged in her telephone statement that PO Avila told § 87(2)(b) “I do whatever the fuck I want to.” She also said during her formal statement that PO Avila told § 87(2)(b) “I do what the fuck I want to.” § 87(2)(b) made no such allegation during her telephone statement, and § 87(2)(b) and § 87(2)(b) did not corroborate § 87(2)(b) allegation. The CCRB was unable to obtain a statement from § 87(2)(b) because she failed to appear for her scheduled appointment and did not return calls or respond to a please call letter. § 87(2)(g)

Team: 4

Investigator: _____ Stanislav A. Sazonov 05/06/2013
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
 Title/Signature Print Date